

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LUCIOUS WILSON,

Plaintiff,

v.

BUCATO, J. FLORES, C.
HUCKLEBERRY, C. PFIEFFER,

Defendants.

Case No. 1:23-cv-00023-HBK (PC)

ORDER TO FILE AMENDED COMPLAINT
OR RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS

SEPTEMBER 25, 2023 DEADLINE

On August 16, 2023, Defendants filed a motion to dismiss. (Doc. No. 15, Motion). Local Rule 230 requires a party in a prisoner action to file opposition to any motion within twenty-one (21) days from the date of service of the motion. See L.R. 230(l). Defendants certify they placed the Motion in the mail on August 16, 2023. (Doc. No. 15-2). In an abundance of caution, the Court advises pro se litigants, like Plaintiff, that they must either file an amended complaint under Rule 15(a) of the Federal Rules of Civil Procedure or an opposition to a motion to dismiss, the failure of which may be deemed a waiver of opposition to the granting of the motion. L.R. 230(l).

Accordingly, it is **ORDERED**:

No later than September 25, 2023, Plaintiff shall deliver to correctional official for mailing either an amended complaint or an opposition to Defendants' Motion. Absent the filing

1 of an amended complaint or an opposition by Plaintiff, Defendants' motion to dismiss may be
2 deemed unopposed.

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Dated: August 28, 2023

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HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE